THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22328 of 2006

30.10.2006

Between:

Bhoomgalla Ramaiah, S/o.Edaiah

And others

… Petitioners

AND

The Joint Collector-II, Ranga Reddy District

And another

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.22328 of 2006

ORDER:

This writ petition is filed challenging the order of the first respondent dated 22.7.2006 in Case No.F1/2800/2004-F1/3084/2004, whereunder the first respondent set aside the Occupancy Rights Certificate (ORC) dated 04.12.2003 issued to the petitioners under Section 10 of A.P. (Telangana Area) Abolition of Inams Act, 1955 (the Act, for brevity) by the Revenue Divisional Officer (RDO), Ranga Reddy East Division – the second respondent herein; and remanded the matter to the RDO for fresh enquiry. The ancestors of the petitioners and the ancestors of the respondents 3 to 13 (contesting respondents) were in joint possession and enjoyment of the land admeasuring Acs.16.01 guntas in survey No.624 situated at Gungal Village of Yacharam Mandal in Ranga Reddy District. Both the groups were enjoying Acs.4.00 ($1/4^{th}$ share each). It appears that the contesting respondents filed an application before the second respondent for ORC in respect of Acs.4.00 of land. The petitioners then filed objections before the second respondent as well as another application for ORC. The RDO passed orders on 04.12.2003. He granted ORC to the petitioners for Acs.2.00 of land and another ORC to contesting respondents for other Acs.2.00 of land. Aggrieved by the same, the contesting respondents filed appeal before the second

respondent, which was allowed remanding the matter to the original authority.

Learned Counsel for the petitioners submits that the contesting respondents filed appeal beyond the period prescribed for filing such appeal, that the appellate authority has not considered the relevant material, that the inam of Edaiah, father of the petitioners, was recorded as Khatedar in the pahani for the year 1973-1974, which would prove the tenancy of the petitioners and that the Joint Collector erred in interfering with the well settled order of the RDO.

The first respondent after having perused the record came to the conclusion that whether the petitioners herein are actual legal heirs of one Edaiah and whether Edaiah was entitled for ORC. When there is a doubt as to whether the petitioners are legal heirs of Edaiah or not, it was proper for the Joint Collector to remand the matter to the original authority. Further, a perusal of the order dated 04.12.2003 passed by the second respondent would show that there was no finding that Edaiah was in possession of the land as on the date of vesting i.e., 01.11.1973. As seen from the order of the RDO, initially Kunti Krishnaiah, S/o.Jangaiah and fifteen (15) others filed a sworn statement claiming to be shareholders in the land belonging to the inamdar Kunti Sayiga. The petitioners herein then filed objection petitions in April 1997 claiming that Edaiah was also having a share in the property. The RDO then called for report of MRO, who submitted the report as well as pahanis for the year 2000-2001. As per that pahani, the first petitioner was having Acs.1.00 of land and another one Kunti Edaiah was having Acs.1.00 of land. The relevant pahani for considering the grant of ORC is that 1973-1974. The order of the RDO does not even make a reference to the same and, therefore, the first respondent was justified in coming to the conclusion that the RDO did not conduct enquiry with reference to the provisions of the Act. It cannot be denied that inamdars, protected tenants, permanent tenants etc., are entitled for being registered as occupants of inam lands only if they are in possession of the land as on the date of the vesting for that purpose i.e., 01.11.1973. In view of this, it is a fit case where the RDO should conduct fresh enquiry with reference to the records of 1954-1955 and 1973-1974. This Court does not find any infirmity or illegality in the order passed by the Joint Collector remanding the case to the RDO. This Court, however, observes that after remand, the RDO should issue notice to the rival claimants and pass appropriate orders

within a period of four weeks from the date of receipt of a copy of this order.

The writ petition, with the above observations, is accordingly dismissed. No costs.

_____

October 30, 2006 (**V.V.S.RAO,J**)

YS